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## Via Electronic Mail Delivery

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: *Ex Parte* Submission, WT Docket 02-100

Dear Ms. Dortch:

On December 4, 2003, Jay Keithley, Director, Government Relations for PCIA-The Wireless Infrastructure Association, Edward Donohue, of Cole, Raywid & Braverman, Counsel for PCIA, Laura Altschul, Director, National Siting for T-Mobile, James B. Goldstein, Senior Attorney, Government Affairs for Nextel Communications, Sheldon Moss, National Director, Government Affairs for Crown Castle and Daniel E. Rebeor, Director, Real Estate Operations for SpectraSite met with Sheryl J. Wilkerson, Legal Advisor for Chairman Powell.

The parties expressed their support for and agreement with the Wireless Telecommunication's Bureau July decision in the Anne Arundel County pre-emption proceeding, which is pending on Application for Review at the Commission. The parties expressed broader concern, however, that numerous local jurisdictions across the country are treading on other federally pre-empted grounds in the zoning process. In particular, many jurisdictions are impermissibly using radio frequency exposure ("RF exposure") requirements, which are preempted under the Communications Act and Commission's rules, to adversely impede wireless infrastructure and service deployment, in contravention of the public interest.

The parties provided examples of local zoning ordinances, both existing and proposed, that may require future Commission intervention. As one such example, we provided a revised draft legislative analyst report for the City and County of San Francisco. A copy of that report is attached.

Accordingly, pursuant to Section 1.1206 of the Commission's Rules, the undersigned requests that a copy of this letter be placed in the Commission's docket.

Respectfully submitted,

Edward L. Donohue  
Counsel for PCIA

cc Sheryl J. Wilkerson, Legal Advisor for Chairman Powell